IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

Tr.P(C).No. 325 of 2006()

OPMV.518/2004 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KALPETTA
OPMV.1193/2004 of M.A.C.T. THALASSERY
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: PETITIONER;

THANKAMMA V.P.,
D/O.NARAYANAN, AGED 41 YEARS,
ATTENDER, PLAMIDAMOLAYIL, KEEZHUR AMSOM,
PIANCHERI DESOM, IRITTY P.O.

BY ADV. SRI.C.P.PEETHAMBARAN

RESPONDENTS:
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1. JAISON THOMAS,
S/O.THOMAS, AGED 32 YEARS, KOTTOOR HOUSE,
P.O.KANCHIRAKKOLLI, PAYYAVOOR AMSOM, KANNUR.

2. SUDHESH K.B., S/O.BALAN,
KOCHUVEZHAYAL HOUSE, KANCHIRAKKOLLI,
PAYYAVOOR AMSOM, KANNUR DISTRICT.

3. THE NEW INDIA ASSURANCE CO. LTD.,
ARISTO COMPLEX, MAIN ROAD, MAHE- 673010.

4. P.G.RAJU, S/O.GOPALAN,
AGED 42 YEARS, PLAMIDAMOOLAYIL,
PALLIKUNNU P.O., KAMBLAKKAD, VYTHIRI TALUK,
KALPETTA, WAYANAD DISTRICT.

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/10/2007, ALONG WITH TPC NO. 44 OF 2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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Tr.P(C).Nos.325/06 & 44/2007

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Dated this the 16th day of October, 2007.

JUDGMENT

Tr.P(C) No.325 of 2006 is filed by the mother of one Praveen Raj, who died in a road accident to transfer O.P.(MV) No.518 of 2004 pending before the Motor Accidents Claims Tribunal, Kalpetta to the Motor Accidents Claims Tribunal, Thalassery where petition filed by her as O.P.(MV) No.1193 of 2004 is pending. Tr.P.(C) No.44 of 2007 is filed by the Insurance Company for the very same relief.

2. It is submitted that the father and mother of the deceased Praveen Raj are living separately and they have filed separate applications for compensation. It is also seen that the respondents in these cases are all residing within the territorial jurisdiction of Thalassery M.A.C.T. So it has to be stated that since both the cases arise out of the same accident they have to be tried by the very same Tribunal and from the facts and

circumstances available it appears that with the least inconvenience, the matter can be tried by the M.A.C.T., Thalassery.

3. Hence, I direct the M.A.C.T., Wyanad at Kalpetta to transfer O.P.(MV) No.518 of 2004 pending before it to the M.A.C.T., Thalassery for joint trial along with O.P.(MV) No.1193 of 2004. Before effecting transfer, the M.A.C.T., Wyanad at Kalpetta is directed to intimate the petitioner therein regarding the transfer.

Transfer Petitions are disposed of accordingly.

M.N.Krishnan,
Judge.

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